

MADISON COUNTY PLANNING DEPARTMENT

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MADISON COUNTY PLANNING BOARD MEETING MEETING MINUTES 2/27/2023

1. **Call to Order:** 6:01 p.m. by President Laurie Schmidt.

2. **Roll Call:**

Members Present: Pat Jacobs, Pat Bradley, Steve Janzen, Laurie Schmidt, Betsey Weltner, and Darlene Tussing.

Members Virtual: Tamara Millican-Wood, and John Stowe

Members Absent: Rita Owens

Staff Present: Kristy Harper (Planner I), Connie Dedrick (Planner III) and Ryan Wolter (IT).

Others Present: David Buchler (County Attorney), Bill Todd (County Commissioner District 3), Justin Gatewood (Virginia City Mayor) and Van Puckett (County Sanitarian).

Others Virtual: Samantha Arbogast, Kaye Counts, Kristi Kline (Montana Rural Water Systems), Lewis Burton (WWC), Kate Rose (The Madisonian), Beth Famiglietti, Michelle Schriock (Planning Clerk).

3. **Opportunity for Public Comment for items not on the agenda:** None.

4. **President's Comments:**

Laurie Schmidt – Publicly thanked Ryan Wolter for all the IT help with the Planning Board meetings that have allowed for more public participation. Also sending letter (reviewed, edited by PB) and with Board approval to Great West Engineering thanking Jerry Grebenc and Cody Marxer for all of their work, in our time of need and hopefully in the future. All present agreed.

5. **Statement of Conflict of Interest/Ex-Parte Communications:** None.

6. **Minutes:** January 30, 2023

<p>MOTION TO APPROVE JANUARY 30, 2023 MINUTES WITH CORRECTIONS MOVED BY TUSSING; SECONDED BY WELTNER. MOTION CARRIED UNANIMOUSLY.</p>
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7. **6:04 p.m. Introductions:** County Attorney David Buchler and County Commissioner Bill Todd

Bill Todd – Appreciates being on the agenda early in the evening. David Buchler – He has seen all the Planning Board names and wanted to meet everyone. Appreciates the long hours and all the work.

8. **6:08 p.m. Virginia City – Mayor Justin Gatewood to Update PB on:**

- a. Virginia City Growth Policy Update
- b. Source Water Protection Plan #2 Report

c. Andrew Bobst (Montana Bureau of Mines and Geology) Report

Justin Gatewood – The town of Virginia City applauds the Planning Board for their service. The Growth Policy and SWPP (Source Water Protection Plan) are revised every 5 years or so. He is not going into great detail on these documents for this meeting. The Growth Policy is a guiding document that says who they are and who they want to be in 10 years. It was done in collaboration with Great West Engineering. The town sent out surveys and received 40% response back. There were 4 highlights:

- 1: Citizens want to maintain the historic branding and integrity. New construction needs to be brought back into historic guidelines.
- 2: Protecting the drinking/source water.
- 3: Water, sewer, roads and infrastructure.
- 4: Housing issues

Justin Gatewood - The Growth Policy will go to the PB for review and then the County Commissioners for approval. Virginia City is part of the county, including county buildings. Laurie Schmidt – The PB and Town Council have previously approved the documents in 2015. The Growth Policy is not a regulatory document. Betsey Weltner – Are there any standout elements other communities should pay attention to? Justin Gatewood – Drilling down in the census data and comparing the aging group. Ten years ago, the median age was 48 years old and now its 60 years old. Also, it's hard to find a silver bullet for the housing issue. The Growth Policy is critical for Virginia City. Pat Bradley – Is the median age going up because Virginia City is a great place to retire? Justin Gatewood – Yes, plus its safe and there is a lower cost of living. Also, there is importance placed on parks and recreation. Pat Bradley – Yes, the Friday night celebrations. Darlene Tussing – The trail system in Virginia City would be good to connect to other areas in the county. Justin Gatewood – For example a bike path from Virginia City to Alder. Pat Bradley – Is there a deviation from the old way of reviewing these documents? Connie Dedrick – Since Virginia City has their own zoning and Town Council, they are their own jurisdictional area. We want to encourage them to work with the County. Steve Janzen – It would depend on the interlocal agreement between Madison County and Virginia City. Justin Gatewood – The Virginia City Growth Policy can help augment the county's Growth Policy. At the very least, Madison County should be very aware of what Virginia City is doing. Betsey Weltner – Are other cities talking to the County? Justin Gatewood – Virginia City has a high number of people who want to be involved and be a part of the process. This is enviable by other communities. Pat Jacobs – Would like to make a motion of support. Justin Gatewood – This is a public meeting. Laurie Schmidt – Not an advertised public hearing. Pat Bradley – Has no questions; they've done a good job. Laurie – Need to advertise and get the Growth Policy on the agenda for an official vote.

Justin Gatewood - A Source Water Protection Plan was prepared in 2000, 2016 and now in 2023, with this year being the most complete. Virginia City water is provided by 2 springs in the northeast quadrant of town. One spring is located within the town boundaries and the other is located on county property. The Montana Bureau of Mines and Geology groundwater study showed the biggest concern would be septic systems that would infiltrate their spring water. So, protecting the springs from septic systems is critical. If you put a well nearby, you would be using the same source water; it is causal and direct. Now they have the science to back up the theory they have had all along. They know how to mitigate any problems. Van Puckett (Sanitarian), Kristy Harper (Planning), Michelle Schriock (Planning) and Cody Marxer (Great West Engineering) helped with the SWPP, as did Joe Brummel (Public Health Department) and Kristi Kline (Montana Rural Water Systems). Kristi Kline – Preparing the SWPP is a collaborative process. They also did a very public process which started back in 2015. The SWPP is voluntary, not regulated, and they look at what each community wants. Plans can change along the way; from the 2016 SWPP, some things didn't get finished and other ideas were changed. So, there are options the Town has to consider. Betsey Weltner – Septic is the biggest threat. How do you monitor the older systems? Justin Gatewood - Wells are prohibited. Septic systems that are in the town are below gradient of the current aquifer. There are septic variances based on hardship, but these are located outside the SWPP zone. Septic areas of concern are on County property located above the source water springs. Van Puckett – Septic is a valid concern. There is private property close to the source water; the source water needs protection. If the property sold, there is nothing they could do to stop a septic system if it is installed within their regulations. Justin Gatewood – Virginia City could use the Extraterritorial Authority,

which as mayor, he could enact. This authority can be used to protect groundwater resources 5 miles outside the city limits. Van Puckett – That could be handled easily. Justin Gatewood – There are no other options because you have to protect the source water. Connie Dedrick – We could have a hearing since a portion of the source water area is within the County and we need to protect the source. Justin Gatewood – He will be available to do a county hearing. Pat Bradley – Does the hearing have to go to the County Commissioners or the Planning Board? Connie Dedrick – In 2015, the process wasn't correct regarding approval of their growth policy. Justin Gatewood – How can you have a County Growth Policy and not have a massive void in the policy? Connie Dedrick – Then we need to make sure to point to individual Growth Policies within the County's. Justin Gatewood – Have other cities done this? Pat Bradley – We conferred with them in Ennis. Betsey Weltner – If it's not mandatory, do you just recognize the plan? Since it's not regulatory? Pat Bradley – Can it go straight to the County Commissioners? Tamara Millican-Wood – Look at the inter-local agreements to see if the direction is in there. Pat Bradley – Recommended the Growth Policy go straight to the County Commissioners. Tamara Millican-Wood – We haven't seen the Growth Policy nor have we seen the inter-local agreement. Laurie Schmidt – We should get the prospective from the County Attorney. Connie Dedrick – Said she would talk to the County Attorney to get the process moving forward. Laurie Schmidt – The Growth Policy for Madison County references other areas, such as Virginia City, as part of the plan. Steve Janzen – Asked Kristi Kline if the Department of Environmental Quality (DEQ) approved the Source Water Protection Plan (SWPP)? Kristi Kline – The SWPP was sent to DEQ in January 2023 to be scanned. Steve Janzen – Isn't a SWPP enough? So, you might not need more. Kristi Kline – More action items are needed. It's a work in progress; a living document. Steve Janzen – Is it DEQ's authority to be involved? The SWPP does have teeth on its own. Justin Gatewood – May not be legally defensible or as strong as the other 2 options listed. Can't just use DEQ as the authority to solely lean on. Kristi Kline – Not looking to restrict septic systems everywhere, just in the SWPP zone. Justin Gatewood – MBMG data is available and it speaks to the process. The teeth are from the DEQ and not the city. Steve Janzen – Probably won't come from the Planning Board. Justin Gatewood – He will email the Growth Policy and a link to the MBMG report to the Planning Board. Betsey Weltner – Is there residual impact from past mining? Justin Gatewood – Yes, there are still issues.

9. Maichel Minor Subdivision:

6:54 p.m.: Connie Dedrick: Power point presentation and review of the Pre-Application Staff Report. Lewis Burton from WWC Engineering is available virtually for questions. Laurie Schmidt – Recommend taking FWP's recommendation on the stream setback. A 100-foot setback is too minimal especially given Joe Brummel's recommendations for vegetative treatment. Lewis Burton – Floodplain is less important, but they are showing a setback. Steve Janzen – Setbacks are applied very carefully and looked at closely. Lewis Burton – The stream is spring fed water. He does not agree there should be a 100-foot setback because there is not likely to have big run off events. Laurie Schmidt – That is not the issue, water quality is and vegetation removal would affect the 100-foot setback. Lewis Burton – He doesn't envision stripping the vegetation. Tamara Millican-Wood – Has a question about the 28-foot emergency access easement along the creek side. Lewis Burton – The most important issue is they need secondary access because of the length of the road into the subdivision. The developer also owns the land to the east so they are looking at using that land as secondary access. The easement would be a standard gravel road. Pat Bradley – Understand the regulations and their purpose. Lewis Burton – Variance for a 50-foot setback came up while talking to Connie, but they haven't discussed it further. So, they probably wouldn't worry about proposing a setback variance because of the concern about the setback. Tamara Millican-Wood – Are these lots going to be developed and built by David Maichel? The primary method is to sell the lots and not be the builder.

10. Monthly Report:

7:05 p.m.: Pat Bradley – Mile Creek, is it open for discussion? Laurie Schmidt – When are we and the public going to get the new materials? Betsey Weltner – Why do we have to review this again? Connie Dedrick – There will be new information not presented in the original submittal. Betsey Weltner – We've already read it once. Laurie Schmidt – we are only reviewing the new information. Connie Dedrick – Apologize for any inconvenience. Darlene Tussing – The County Attorney is not going to be present, so we have to have another public hearing? Pat Bradley – Per 76-2-615 regarding consideration of new information, the Commissioners need to review. Connie Dedrick – The applicant chose to go back to the Planning Board. Pat Bradley – If it's the applicant's choice, was he informed of what the statute is? Steve Janzen – There are new comments. The applicant chose to go back to the Planning Board. Pat Bradley – Would like to ask the County Attorney. Connie Dedrick – You could ask a question as a Planning Board, but not individually. Steve Janzen – It was done according to the regulations? Pat Bradley – It's important to the applicant and she wants to make sure it's okay with them. Steve Janzen – Relayed a relevant story about just doing the work. Betsey Weltner – Doesn't understand why we need to hear all the public comment. Laurie Schmidt – Should only be the new information. Connie Dedrick – Compiling all the public comment. Darlene Tussing - Are they new or different? Pat Bradley – Would like an opinion from the County Attorney. Are we setting a precedent? Wants to make a motion. Why did Great West leave? Connie Dedrick – That's a question for Great West. Tamara Millican-Wood – We are getting into legal territory that we don't need to get into. Pat Bradley – Would like a straight forward answer. Doesn't see anything wrong with asking questions.

11. Unfinished Business:

7:21 p.m. Subdivision Regulations: Laurie Schmidt – Given the time frame, shouldn't we wait until after the legislative session to work on the subdivision regulations? Pat Bradley – There are 45 Bills on land use. Board agreed we should wait.

Growth Plan and CIP survey handouts: Connie Dedrick – There is an RFP being drafted. Laurie Schmidt – the 2011/2012 survey was very detailed. This is the binder of responses and analysis. Read through the survey and see if there are other questions needed. Darlene Tussing – People are becoming more involved. Tamara Millican-Wood – We need the comment by when? Laurie Schmidt – In time to catch seasonal residents. We need it sent to every P.O. box and the libraries, as well as virtually.

Public information on the County website: Laurie Schmidt - It is not easy to access. It should be easier to get to Planning. Connie Dedrick – We are working with IT to get it going. Ryan Wolter – IT is trying to go through and fix the website.

Agenda Items/Order: Laurie Schmidt - Our Bylaws say what we can discuss and in what order. Requests the agenda items be made with her (the Board's) input.

Laurie Schmidt- Please check the Board contact list (in our packets) for accuracy and let Michelle know of any changes/corrections.

Board Membership – Connie Dedrick – There hasn't been any new applications as far as she knows. The Commissioners have been apprised that the Conservation Districts need to have someone apply. Pat Bradley – The Commissioners make the recommendations.

12. New Business:

Priorities for 2023: Laurie Schmidt – Subdivision Regulations, the Growth Policy, Interlocal Agreements with Towns, and website access improvements. Betsey Weltner – Would like to help with the computer

information. Laurie Schmidt – Will have a subcommittee if necessary. Steve Janzen- Might be hard with so many Board vacancies.

Board Functioning: Laurie Schmidt – New topic for our meetings. Something done in the past to give Board members the opportunity to ask questions about planning topics. For example, who should be responsible for the media? The Planner would gather the information and put in the packet for the next meeting.

13. Planning Board Member Reports:

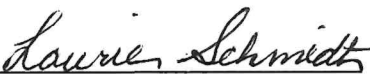
Steve Janzen- Affordable housing/lack of housing. Interested in how the legislative season turns out.

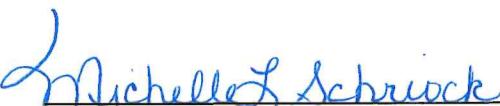
Betsey Weltner- Will there be a summary of changes?

Pat Bradley- Thinks there will be some major changes. Local control is under fire and they could remove local control.

14. Adjournment:

The meeting was adjourned at 7:36 p.m.


Laurie Schmidt – President


Kristy Harper – Substitute for Secretary

